REMARKS

This Amendment is filed in response to the Office Action mailed on April 18, 2007, and with a request for a one month extension of time. All objections and rejections are respectfully traversed.

Claims 2, 6-9, 16-34, 37-42, 44-53, 56-62 are in the case.

Claims 2, 6, 9, 16, 21, 23-24, 25, 28-30, 32, 34, 44, 45, and 50-52 were amended to better claim the invention.

Clams 56-62 were added to better claim the invention.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3028.

At Paragraph 3 of the Office Action Claim 52 was objected to. Amendment of Claim 52 is believed to satisfy this objection.

At Paragraph 4 of the Office Action, claims 16, 29, and 51 were objected to. Amendment of the claims is believed to satisfy this objection.

At Paragraph 5 of the Office Action it was indicated that claims 47 and 49 would be allowable if rewritten in independent form. Amendment of independent claim 44 is believed to place claim 44 in condition for allowance, and so dependent claims 47 and 49 have not been amended.

At Paragraphs 6–8 of the Office Action the Examiner responded to Applicant's previous arguments. Amendment of the independent claims is believed to place all independent claims in condition for allowance.

At Paragraphs 9 – 19 of the Office Action claims 1, 9-11, 16, 30, 32, 52, and 55 were rejected under 35 U.S.C. 102(e) as being anticipated by Mankude et al. U. S. Patent No. 6,795,866 issued September 21, 2004 (hereinafter Mankude).

All independent claims have been amended, and are presently believed to be in condition for allowance.

NEW Claim 56 is representative of the amended independent claims of the Application.

As set forth in representative New claim 56, Applicant's claimed invention comprises, in part:

56.   (New) A method for distributing data over a plurality of network links, comprising:

　　　　providing the plurality of links as a connection to a network node;

　　　　selecting one link of the plurality of links for transmitting a data to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data;

apportioning the data into at least one fragment;

associating each fragment to the selected link on the basis of the IP ID; and

transmitting the fragment over its associated link to transmit fragments of the data over the same associated link.

Mankude discloses an intermediate network node which receives fragments of data packets and reads an identification number from the fragment. In the event that the identification number is registered with the node, the node immediately forwards the packet. In the event that the identification number is not registered, the node places the fragment in a buffer and waits until another fragment having the same identification and a destination IP address is received, and then forwards the another fragment, along with all fragments held in the buffer, through a link to the destination IP address.

Applicant respectfully urges that Mankude does not anticipate the presently claimed invention under 35 U.S.C. 102(e) because of the absence in Mankude of any disclosure of Applicant's claimed novel

selecting one link of the plurality of links for transmitting a data to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data;

apportioning the data into at least one fragment;

associating each fragment to the selected link on the basis of the IP ID; and

transmitting the fragment over its associated link to transmit fragments of the data over the same associated link.

In particular, Applicant respectfully urges that Mankude has no disclosure of Applicant's claimed novel *selecting one link of the plurality of links for transmitting a data to the network node (hereinafter the selected link) using a round robin selection technique*.

Specifically, Mankude uses the IP address of a packet fragment to select the outgoing link. In sharp contrast, Applicant uses a round robin selection technique to select Applicant's outgoing link.

Further, Applicant uses an IP address in *associating each fragment to the selected link on the basis of the IP ID*. Mankude solves the problem of not having an IP address in every fragment. Thus, Mankude has no disclosure of Applicant's claimed *associating each fragment to the selected link on the basis of the IP ID*.

Accordingly, Applicant, through use of the claimed *selecting one link of the plurality of links for transmitting a data to the network node (hereinafter the selected link) using a round robin selection technique* claims a method which is entirely absent from Mankude.

Further, in Applicant's use of *associating each fragment to the selected link on the basis of the IP ID*, Applicant claims a method which Mankude expressly states his fragments cannot use, as Mankude's fragments do not all carry a copy of the IP address.

Therefore, Applicant respectfully urges that Mankude is legally insufficient to anticipate Applicant's claimed novel invention under 35 U.S.C. 102(e) because of the silence of Mankude concerning Applicant's claimed novel

selecting one link of the plurality of links for transmitting a data to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data;

apportioning the data into at least one fragment;

associating each fragment to the selected link on the basis of the IP ID; and

transmitting the fragment over its associated link to transmit fragments of the data over the same associated link.

At Paragraphs 20 – 56 Claims 2, 3, 12, 13, 17, 18, 44-46, 50, 51, and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mankude in view of Westberg U. S. Patent No. 6,791,982.

Claims 2, 3, 12, 13, 17, 18, 43-46, and 53 are dependent from independent claims which are believed to be in condition for allowance. Accordingly, claims 2, 3, 12, 13, 17, 18, 43-46, and 53 are believed to be in condition for allowance.

Claims 44, 50, and 51 are independent. Applicant's claimed invention, as set forth in representative Claim 44, comprises in part:

44. A method for uniformly distributing data transmitted by a server over a number of underlying links of an aggregate within a computer network, comprising:

> *providing the plurality of links as a connection to a network node;*
> *selecting one link of the plurality of links for transmitting a datagram to the*
> **network node (hereinafter the selected link) using a round robin selection technique,**
> **the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an**
> **end point destination for the data;**
> apportioning the datagram into at least one fragment;
> *associating the fragments with the selected link; and*
> *transmitting the fragments over the selected link.*

Westberg discloses an intermediate node for a computer network which receives segments of a datagram. Westberg does not reassemble the datagram at the intermediate node, rather he waits until the segments are received by a destination computer before re-assembling the datagram.

Applicant respectfully urges that Westberg solves a problem which Applicant avoids. Applicant selects a link to an intermediate node and sends all fragments of a datagram on the selected link, thereby avoiding the re-assembly problem tackled by Westberg.

That is, Applicant respectfully urges that Westberg has no disclosure of Applicant's claimed novel

> *providing the plurality of links as a connection to a network node;*

> *selecting one link of the plurality of links for transmitting a datagram to the*

> **network node (hereinafter the selected link) using a round robin selection technique,**

> **the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an**

> **end point destination for the data;**

> apportioning the datagram into at least one fragment;

> *associating the fragments with the selected link; and*

transmitting the fragments over the selected link.

Further, Applicant respectfully urges that Westberg has no disclosure of Applicant's claimed novel *selecting one link of the plurality of links for transmitting a datagram to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data.*

That is, Westberg is totally silent concerning Applicant's claimed novel *selecting one link . . . using a round robin selection technique*.

Still further, Westberg has no disclosure of Applicant's claimed novel *associating the fragments with the selected link; and transmitting the fragments over the selected link*.

Again, Applicant respectfully urges that Mankude has no disclosure of Applicant's claimed *providing the plurality of links as a connection to a network node;*

selecting one link of the plurality of links for transmitting a datagram to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data;

apportioning the datagram into at least one fragment;

associating the fragments with the selected link; and

transmitting the fragments over the selected link.

Accordingly, Applicant respectfully urges that neither Mankude nor Westberg, taken either singly or in combination, is legally capable of rendering Applicant's claimed

invention unpatentable under 35 U.S.C. 103(a) because of the silence of both as to Applicant's claimed novel

providing the plurality of links as a connection to a network node;

selecting one link of the plurality of links for transmitting a datagram to the network node (hereinafter the selected link) using a round robin selection technique, the data identified by an Internet protocol (IP) identifier (ID), the IP ID indicating an end point destination for the data;

apportioning the datagram into at least one fragment;

associating the fragments with the selected link; and

transmitting the fragments over the selected link.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge all fees occasioned by this paper to our Deposit Account No. 03-1237.

The Director is hereby authorized to charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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